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In re Application of
Yao-Min Lin
Application No. 09/845,434
Filed: April 30, 2001
**For: APPARATUS AND METHOD FOR ENHANCING
IMAGE RESOLUTION BY POSITION
PERFURBATION MODULATION**

APR 26 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION
TO REMAIL OFFICE
ACTION

This is a decision on the request for new action filed on September 7, 2004, due to the allegation that the action should have web-posted references in August 2004.

Petitioner contends that the Office action mailed August 24, 2004, should have web-posted references in August 2004. Thus implying that there was an error in the Office action or on the part of the Office. Petitioner provided alleged evidence showing that the references were not available in the form of a copy of Patent Application Information Retrieval screen from August 27, 2004.

A review of the file record reveals that this application was not associated with a customer number. The transmittal letter from April 30, 2001, does not reveal that the application was associated with a customer number. Therefore, in accordance with the Office's Electronic Business Center, the documents cited in an Office action would not have been viewable via the e-Patent system if the application were not associated with a customer number.

The OG Notice dated May 18, 2004 regarding the E-Patent Reference System, states in part: "In order to use the new E-Patent Reference feature applicants must:... (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and U.S. patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources."

Therefore, Petitioner has failed to provide sufficient evidence to warrant re-mailing the Office action originally mailed August 24, 2004 and restarting the time period for response.

The petition is **DENIED**.

Petitioner is given TWO MONTHS from the date of this decision to request reconsideration. This period is not extendable under 37 CFR § 1.136(a). The telephone number for the Patent Electronic Business Center Customer Service office is 866-217-9197.


Dwayne Bost
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Communications